

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

KALEMBA BALIMUNKWE,
Plaintiff,

vs.

Civil Action No. 1:14-cv-327
Black, J.
Litkovitz, M.J.

BANK OF AMERICA, N.A.,
AS SUCCESSOR TO FIRST FRANKLIN
FINANCIAL CORP., et al.,
Defendants.

ORDER

Plaintiff Kalemba Balimunkwe brings this action against defendants Bank of America, N.A., as successor to First Franklin Financial Corporation (Bank of America), and Residential Credit Solutions, Inc. (Residential Credit). This matter is before the Court on (1) plaintiff's motion to strike defendant's objections and to compel answers to request for production of documents and request for admissions (Doc. 47), and (2) plaintiff's motion to strike defendant Bank of America's objections and to compel answers to request for production of documents (Doc. 48).

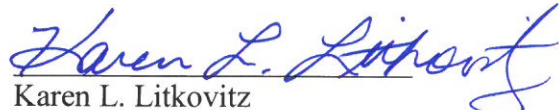
An informal telephonic discovery conference was held on January 30, 2015. (Doc. 54). Following the discovery conference, the Court issued an Order requiring the parties to confer concerning issues surrounding the outstanding discovery requests and to provide information to the Court concerning the deposition of plaintiff, which defendants proposed to take in Columbus, Ohio. (Doc. 55). On February 6, 2015, defendant Bank of America filed a Notice of Parties' Efforts to Resolve Discovery Disputes. (Doc. 56). Defendant advised the Court that the parties have agreed to the following: (1) plaintiff will be deposed in Columbus on February 25, 2015; (2) plaintiff is to serve revised discovery requests on defendant Residential Credit in place of the

previously served and answered requests¹; and (3) Bank of America will investigate and provide responses to plaintiff's Second and Third Requests for Production of Documents.

In light of the parties' agreement on the outstanding discovery issues, plaintiff's motions to strike and to compel (Docs. 47, 48) are **DENIED** as moot.

IT IS SO ORDERED.

Date: 2/17/15


Karen L. Litkovitz
United States Magistrate Judge

¹ Plaintiff has filed amended requests for production of documents and admissions with the Court. (Docs. 57, 58). Plaintiff is advised that he must serve his discovery requests on defendants rather than file them with the Court. *See* Fed. R. Civ. P. 34(a) ("A party may serve on any other party a request within the scope of Rule 26(b). . . .").